



U.S. Department of Justice

Federal Bureau of Investigation

EX PARTE OR LATE FILED

Telecommunications Industry Liaison Unit  
P.O. Box 220450  
Chantilly, VA 20153-0450

December 10, 1997

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: The Federal Bureau of Investigation's (FBI) and Law Enforcement's Ex Parte Presentation Regarding the Communications Assistance for Law Enforcement Act, Notice of Proposed Rulemaking, CC Docket No. 97-213 FCC No. 97-356, (rel. October 10, 1997).

Dear Ms. Salas:

Pursuant to a conversation with Mr. David O. Ward, Senior Legal Assistant, Network Services Division, Common Carrier Bureau, on December 8, 1997, the Federal Bureau of Investigation and Law Enforcement (Law Enforcement), pursuant to Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), are filing this amended ex parte letter in order to more thoroughly summarize the substance of the December 4, 1997 meeting with Commission staff in connection with the above-referenced rulemaking.

As previously stated in Law Enforcement's December 5, 1997 ex parte letter, the following individuals participated in the meeting at which the Communications Assistance for Law Enforcement Act (CALEA) was discussed, Special Agent John M. DeMaggio, U.S. Postal Service, Office of Inspector General; Sergeant John V. Pignataro, New York City Police Department; Detective Jeffrey E. Ruetz, Denver Police Department; Detective Joseph C. Saiia, New Jersey State Police; Major Kurt F. Schmid, Illinois State Police; Supervisory Special Agent Leslie M. Szwajkowski, FBI; Mr. Michael T. McMenamin, Booz•Allen & Hamilton; and I, met with Mr. Kent Nilsson, Dr. Andre Rausch, Mr. Marty Schwimmer, and Mr. David Ward from the Commission's Common Carrier Bureau; Mr. Charles Iseman, and Mr. Lawrence Petak from the

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Commission's Office of Engineering and Technology; and Mr. John Conwell, Mr. Tim Maguire, and Mr. David Wye from the Commission's Wireless Telecommunications Bureau.

Law Enforcement's oral ex parte presentation focused on why CALEA is crucial to ensuring public safety. In the meeting, Law Enforcement expressed its professional opinion regarding the definition of a telecommunications carrier and the types of security policies and procedures carriers will need to implement in order to properly comply with CALEA. Moreover, Law Enforcement substantiated its position on these issues by providing real life case scenarios.

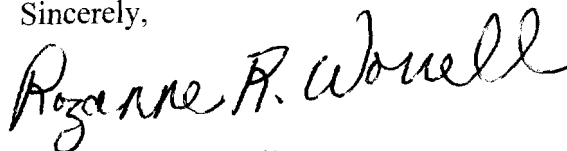
Law Enforcement contends that the definition of a telecommunications carrier should be written broadly in order to provide for future telecommunications services that may come into existence. In addition, Law Enforcement expressed its concerns that if the Commission in its final rule were to provide an illustrative list of telecommunications carriers subject to CALEA, that it be clearly stated that the list is not all-inclusive. Law Enforcement also advocated that the definition of a telecommunications carrier should include resellers, prepaid calling card service providers, and paging technologies. Law Enforcement based its position on its prior experience with these technologies in the field.

Law Enforcement also addressed what it considered to be appropriate security policies and procedures that telecommunications carriers should provide under CALEA. For evidentiary and security reasons, Law Enforcement believes that telecommunications carriers should assign designated carrier personnel to handle all CALEA-related electronic surveillance requests. Law Enforcement also addressed its need for carriers to implement facially valid court orders in an expedient manner. Moreover, Law Enforcement expressed its need to be immediately notified whether a compromise or suspected compromise of an electronic surveillance has occurred, because of its possible threat to public safety and law enforcement. In addition, Law Enforcement expressed its view that no distinction should be made between large and small carriers regarding the implementation of CALEA. Under CALEA, a small carrier has the same obligation as a large carrier to respond to the dictates of the electronic surveillance laws and ensure that there are no unauthorized intercepts or disclosures of intercept information.

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In accordance with Section 1.1026(b)(2), Law enforcement has hereby summarized its December 4, 1997 ex parte oral presentation to Commission staff regarding the above-referenced proceeding. Any questions regarding this notice should be addressed to the undersigned.

Sincerely,

A handwritten signature in black ink, reading "Rozanne R. Worrell". The signature is written in a cursive, flowing style.

Rozanne R. Worrell  
Supervisory Special Agent  
Federal Bureau of Investigation

cc: Mr. John Conwell  
Mr. Charles Iseman  
Mr. Tim Maguire  
Mr. Kent Nilsson  
Mr. Lawrence Petak  
Dr. Andre Rausch  
Mr. Marty Schwimmer  
Mr. David Ward  
Mr. David Wye